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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,213	07/22/2003	Jasminka Dizdarevic	C02-0053-001	7052

33190 7590 08/07/2006

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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,213

Applicant(s)

DIZDAREVIC ET AL.

Examiner

Huy Q. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10, 12, and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Amendment

2. This Office Action is in response to Amendment filed on date: 07/07/2006.
Claims 1-5, 8, 10, 12, and 13 are still pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 4, 5, 8, and 10 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect to claims 3, 12, and 13 have been fully considered but they are not persuasive.

a) In response to applicant's argument with respect to the rejection of claims 3 and 12, that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed.

Cir. 1992). In this case, the examiner asserted that the motivation to combine the references was in order to offer the system capability of "delivering a short message service" even though "the telecommunication networks using different types of signaling systems" (see Bertacchi's Abstract) and "a physical address that corresponds to the current location data and that is compatible with the signaling system is identified and is used for delivering the SMS message via the signaling system" (Bertacchi's specification; see col. 2, lines 30-67).

b) Regarding claim 13, applicant argued that "Bright provides no description of the use of global title translation based for a MSISDN or a mobile subscriber identification number" (see REMARKS page 11). Examiner respectfully disagrees, since Bright teaches "When a call delivery or SMS delivery attempt for the mobile station causes a query to the DW HLR, the DW HLR provides as the MSC identifier the address of the GPRS IIF/MSC/VLR associated with the SGSN, as earlier received from the IIF during the registration procedure. All future messages associated with the mobile station and destined for an MSC/VLR, related to call delivery, SMS delivery, or message waiting notification, are routed to the IIF emulating the DW MSC/VLR. Such messages, where appropriate (e.g., if an SMS message or message waiting notification), are transmitted to the SGSN serving the MS. The GPRS IIF may itself generate or translate some such messages" see [0056]; and the translation more clearly described as "The GPRS IIF further includes facilities for translating messages of the ANSI/DW system into functionally equivalent messages of the GSM/GPRS system, and

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vice versa, and for maintaining state information as needed to perform the translation between systems. The GPRS IIF may operate in cooperation with a GSM IIF, and in some embodiments, the functions of the GPRS IIF and the GSM IIF may be integrated or combined into a single IIF unit” see [0017]. Bright also teaches that the mobile station is able to perform location update using its IMSI (see [0051]-[0054]) in order for the system to determine what type of networks (GSM network or TDMA network) that the mobile station is being registered in order for system to “facilities for translating messages of the ANSI/DW system into functionally equivalent messages of the GSM/GPRS system, and vice versa, and for maintaining state information as needed to perform the translation between systems”. Thus Bright teaches the use of global title translation based for a MSISDN or a mobile subscriber identification number.

With all the reasons stated above, the rejection is deemed proper and still stands.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Bright (US-2002/0094811).

Regarding claim 13, Bright discloses a method, comprising the steps of:
receiving a message at a message service center (MC 388, see [0043]), the message terminating at a communications device ("destined for the subscriber", see [0043]);

if a Terminal Type of the communications device is Global System for Mobile communications [0044], then routing the message using a GSM Home Location Register operating in a Global System for Mobile communications network [0045], the routing of the message using global title translation [0056] for a Mobile Station Integrated Services Digital Network ([0051]-[0053]) associated with the communications device ([0037]-[0038] and [0056]-[0064]); and

if the Terminal Type of communications device is GSM-ANSI Interoperability Team ([0045]-[0056]), then routing the message using a TDMA Home Location Register in a Time Division Multiple Access communications network ([0046]-[0047]), the routing of the message using global title translation [0056] for a Mobile Subscriber Identification Number ([0051]-[0053]) associated with the communications device ([0037]-[0038] and [0056]-[0064]),

wherein the message is processed for termination at the communications device [0056].

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain (US-2003/0224811) in view of Bertacchi (US-6,625,461).

Regarding claim 1, Jain discloses a method (fig. 1), comprising the steps of:

migrating a communications device ("a CDMA based mobile station") to a Global System for Mobile communications network, the communications device migrated from at least one of a Time Division Multiple Access communications network and a Code Division Multiple Access communications network (in solving problem "handling SMS... from a CDMA network to a GSM network", see [0032]);

receiving an origination request from the communications device [0031], the origination request for sending a message from the communications device [0031], the origination request comprising a network address ([0039]);

associating the network address to a signaling point code (GSM service network 140), the signaling point code identifying a message service center in the Global System for Mobile communications network [0035]; and

routing the origination request to the message service center operating in the Global System for Mobile communications network [0036],

wherein the origination request is processed by the message service center [00331].

But, Jain does not particularly show associating the network address to a signaling system 7 signaling point code. However in analogous art, Bertacchi teaches associating the network address to a signaling system 7 signaling point code (described as “the physical address includes a signaling point code (SPC)” and “The common channel signaling system, for example, might be Signaling System 7 (e.g., ANSI-SS7)” (see col. 5, lines 5-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jain as taught by Bertacchi in order for “a physical address that corresponds to the current location data and that is compatible with the signaling system is identified and is used for delivering the SMS message via the signaling system” (see col. 2, lines 30-67).

Regarding claim 2, Jain and Bertacchi disclose the method according to claim 1. Jain further discloses the step of updating the network address after migration of the communications device (“available from the GSM SIM card, from a previously received SMS message”), wherein the network address identifies the message service center in the serving communications network [0031].

Regarding claim 3, Jain and Bertacchi disclose the method according to claim 1. Bertacchi further discloses the step of wirelessly changing (updating) the network address after migration of a subscription profile associated with the communications

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device, wherein the network address identifies the message service center in the Global System for Mobile communications network (described as “In the cellular network 2, the HLR 24 serves to store information about the mobile station 10, including subscriber profile data as well as data indicating the latest known location for the mobile station 10. The location information in the HLR 24 is updated, in accordance with ordinary cellular operations, each time the mobile station 10 registers in a new territory” (col. 4).

Regarding claim 4, Jain and Bertacchi disclose the method according to claim 1. Jain further discloses wherein the step of receiving the origination request comprises receiving the origination request at a mobile switching center in the serving communications network [0031].

Regarding claim 5, Jain and Bertacchi disclose the method according to claim 1. Jain further discloses wherein the step of associating the network address to the signaling point code is performed by a Signaling Transfer Point (MSN 132) in the serving communications network (see col. 4, line 41-col. 5, line 10).

Regarding claim 8, Jain discloses a method (fig. 1), comprising the steps of:
receiving an origination request at a mobile switching center in at least one of a Time Division Multiple Access communications network and a Code Division Multiple Access communications network (fig. 1, description and [0035]-[0036]), the origination request for sending a message from a communications device ([0031]-[0037]), the

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origination request comprising a network address of a message service center associated with the communications device (fig. 2a, description and [0035]-[0037]); and routing the origination request to the message service center in a Global System for Mobile communications network (fig. 1, description and [0035]-[0036]), comprising routing to a signaling interface (A-INTERFACE) between the Global System for Mobile communications network and at least one of the Time Division Multiple Access communications network and the Code Division Multiple Access communications network (fig. 1, description and [0035]-[0036]) a Signaling Point Code (GSM service network 140) associated with the signaling interface;

wherein the origination request is processed by the message service center, thus allowing the message to be sent from the communications device ([0031]-[0037]).

But, Jain does not particularly show wherein the signaling point code is being a signaling system 7 signaling point code. However in analogous art, Bertacchi teaches wherein the signaling point code is being a signaling system 7 signaling point code (described as "the physical address includes a signaling point code (SPC)" and "The common channel signaling system, for example, might be Signaling System 7 (e.g., ANSI-SS7)" (see col. 5, lines 5-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jain as taught by Bertacchi in order to offer the system capability of "delivering a short message service" even though "the telecommunication networks using different types of signaling systems" (see Abstract).

Regarding claim 10, Jain and Bertacchi disclose the method according to claim 8. Jain further discloses the step of associating the network address to a signaling point code, the signaling point code identifying the signaling interface between the Global System for Mobile communications network and at least one of the Time Division Multiple Access communications network and the Code Division Multiple Access communications network [0035].

Regarding claim 12, Jain and Bertacchi disclose the method according to claim 8. Jain further discloses the step of wirelessly changing the network address after migration of a subscription profile associated with the communications device ("available from the GSM SIM card, from a previously received SMS message"), wherein the network address identifies the message service center in the Global System for Mobile communications network [0031].

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elizondo discloses "a method and apparatus to provide Short Message Services (SMS) provisioning when different SS7 signaling networks are in use. The method can be used when mobile units are roaming in a SS7 network different than the MS home network, and when the MS is roaming inside or outside of its SS7 type of network (see Abstract).

8. THIS ACTION IS MADE FINAL.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Phan, Huy Q.


GEORGE ENG
SUPERVISORY PATENT EXAMINER

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Date: 07/28/2006